

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MONTANA
Petition for Warrant for Offender Under Supervision

Name of Offender: Chance Justin Wilhelm

Docket Number: 0977 2:10CR00024-001

Name of Sentencing Judicial Officer: THE HONORABLE DONALD W. MOLLOY
UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 04/28/2011

Original Offense: 21:846=CD.F; CONSPIRACY TO DISTRIBUTE CONTROLLED SUBSTANCE

Original Sentence: 151 months Bureau of Prisons, to be followed by 120 months supervised release

Date of Revocation: October 29, 2020

Revocation Sentence: 4 months Bureau of Prisons; 56 months Supervised Release

Date of Revocation: September 21, 2021

Revocation Sentence: 3 months Bureau of Prisons; 57 months Supervised Release

Date of Revocation: October 17, 2022

Revocation Sentence: 6 months Bureau of Prisons; 54 months Supervised Release

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/10/2023

Assistant U.S. Attorney: Timothy J. Racicot
PO Box 8329, Missoula, MT 59807, 406-542-8851

Defense Attorney: Steven C. Babcock
Federal Defenders Of Montana - Billings, 2702 Montana Avenue, Suite 101, Billings, MT 59101-2372,
406-259-2459

PETITIONING THE COURT

Background

On 04/28/2011, the defendant appeared for sentencing before THE HONORABLE DONALD W. MOLLOY, UNITED STATES DISTRICT JUDGE, having pled guilty to the offenses of 21:846=CD.F; CONSPIRACY TO DISTRIBUTE CONTROLLED SUBSTANCE. The offense involved the defendant, along with several other co-defendants, conspiring to distribute methamphetamine in Silver Bow County, Montana, from February 2009 through January 2010. The defendant was sentenced to 151 months Bureau of Prisons, to be followed by 120 months supervised release.

On 05/15/2015, pursuant to an Amended 782, the defendant's sentence was reduced to 130 months custody, followed by 120 months supervised release. The defendant began his first term of supervised release on 08/06/2020.

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On 09/29/2020, a Report on Offender Under Supervision was submitted advising the Court the defendant had failed to report for a urinalysis test, tested positive for illegal drugs, and admitted to using illegal drugs and alcohol. This officer did not request any court action at that time. A noncompliance hearing was held on 09/23/2020, and Mr. Wilhelm's treatment and testing plan was amended to give him the opportunity to address his relapses.

On 10/29/2020, the defendant's term of supervised release was revoked for failure to report for urinalysis testing, use of a controlled substance, and unauthorized alcohol consumption. He was sentenced to 4 months custody, followed by 56 months supervised release. The defendant began his second term of supervised release on 02/09/2021.

On 05/27/2021, a Report on Offender Under Supervision was submitted advising the Court the defendant had failed to report for a urinalysis test, tested positive for methamphetamine on 05/26/2021, and admitted to using methamphetamine on 05/19/2021. This officer did not request action at that time. A noncompliance hearing was held on 05/26/2021, and Mr. Wilhelm's treatment and testing plan was amended to give him the opportunity to address his relapses.

On 09/21/2021, the defendant's term of supervised release was revoked for methamphetamine and alcohol use, failure to report for urinalysis testing, and failure to report for mental health treatment. He was sentenced to 3 months custody, followed by 57 months supervised release. The defendant began the third term of supervised release on 11/29/2021.

On 02/18/2022, a Report on Offender Under Supervision was submitted advising the Court the defendant tested positive for marijuana and admitted to consuming edibles that contained marijuana. This officer did not request any court action at that time. Mr. Wilhelm's enrollment in intensive outpatient substance abuse treatment was extended in order to give him the opportunity to address his relapse.

On 03/17/2022, a Second Report on Offender Under Supervision was submitted advising the Court the defendant tested positive for marijuana and admitted to smoking marijuana on 03/14/2022. This officer did not request any court action at that time. Mr. Wilhelm's enrollment in intensive outpatient substance abuse treatment was extended once again to give him the opportunity to address his second relapse with marijuana.

On 09/29/2022, the defendant's term of supervised release was revoked for marijuana and methamphetamine use, as well as failure to report for treatment sessions. He was sentenced to 6 months custody, followed by 54 months supervised release. The defendant began the current term of supervised release on 03/10/2023.

On 06/07/2023, a Report on Offender Under Supervision was submitted advising the Court that the defendant missed a group treatment session and admitted to consuming alcohol on 05/24/2023. This officer did not request any court action at that time and the defendant was given the opportunity to address his relapse in substance abuse and mental health treatment.

Since that time, the probation officer believes the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

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- 1 **Special Condition:** You must abstain from the consumption of alcohol and are prohibited from entering establishments where alcohol is the primary item of sale.

On 05/24/2023, the defendant appeared for a group treatment session at Rimrock Foundation, Inc. and his counselor believed he was intoxicated. At the time, he did not admit to drinking alcohol and the counselor was notified by the defendant's wife that he did not return home that night. On 05/30/2023, the defendant admitted to the undersigned officer he consumed alcohol on 05/24/2023. On 06/06/2023, he signed an admission of use form advising that he consumed approximately one pint of liquor and 10 beers throughout the day and evening on 05/24/2023.

- 2 **Special Condition:** You must participate in substance abuse testing to include not more than 365 urinalysis tests, not more than 365 breathalyzer tests, and not more than 36 sweat patch applications annually during the period of supervision. You must pay part or all of the costs of testing as directed by the probation officer.

On 07/08/2023 and 08/08/2023, the defendant failed to report for random urinalysis testing. He was not excused from reporting for these tests.

- 3 **Mandatory Condition:** You must refrain from any unlawful use of a controlled substance.

On 08/07/2023, the defendant submitted a urinalysis test that tested positive for marijuana. He admitted that he smoked methamphetamine from 08/02/2023 to 08/05/2023, as well as marijuana on 08/05/2023. He signed an admission of use form.

- 4 **Special Condition:** You must abstain from the consumption of alcohol and are prohibited from entering establishments where alcohol is the primary item of sale.

On 08/07/2023, the defendant submitted an urinalysis that tested positive for alcohol. He admitted that he consumed alcohol from 08/02/2023 to 08/05/2023 and signed an admission of use form.

- 5 **Standard Condition:** You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

On 08/02/2023, the undersigned officer was notified Billings Police Officers had contact with the defendant the night of 08/01/2023 after they responded to a disturbance at a local restaurant for an intoxicated male

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trying to fight people in the parking lot. Upon arrival, they made contact with the defendant and eventually allowed him to leave the scene, and he was picked up by his daughter-in-law. The undersigned officer attempted to contact the defendant by telephone several times on 08/02/2023 with no success. His wife advised the defendant did not return home on 08/01/2023, and his whereabouts were unknown. USPO Buciuman conducted a home visit at the defendant's residence on 08/03/2023 and his wife advised he still had not returned home. USPO Buciuman left his business card with the defendant's wife and requested the defendant contact him when he returned home. On 08/04/2023, the defendant contacted USPO Buciuman by phone and advised he had returned to his residence. The defendant's whereabouts were unknown from 08/01/2023 until 08/04/2023.

AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to issue a warrant.

Reviewed

Respectfully Submitted

By:

By:



Tanya Wilson
Supervising United States Probation Officer
Date: 08/09/2023

Kendall Ridgley
United States Probation Officer
Date: 08/09/2023

ORDER OF COURT

I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. The Court orders the issuance of a warrant. Considered and ordered this 9th day of August, 2023, and ordered filed **UNDER SEAL** and made a part of the records in the above case.

IT IS FURTHER ORDERED that upon notification to the Clerk of Court's Office that the above named Defendant has been taken into custody, the Petition for Warrant or Summons for Offender Under Supervision shall be unsealed.

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Donald W. Molloy, District Judge
United States District Court

08/09/2023

Date